

SERVICE OF COURT PAPERS FAMILY & CIVIL CASES ONLY

2

HOW TO SERVE NOTICE AS REQUIRED OR PERMITTED BY LAW

“Service” means giving legally required notice to other parties that you have filed documents with the court to request a court order that may affect them, and proving that notice was given in a manner permitted by law.

NOTICE

You do **NOT** need this packet if serving notice by Sheriff or process server in Maricopa County. The sheriff and process servers in Maricopa County provide their own forms.

SELF-SERVICE CENTER
SERVICE OF COURT PAPERS

CHECKLIST

“Service” means giving legally required notice to other parties that you have filed papers that may result in a court order that may affect them. The court papers can ONLY be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.

You may use the forms and instructions in this packet if . . .

- ✓ You have filed a Petition, Complaint, or other document in the Superior Court in a Civil or Family Court case and you are required to *serve notice* on other parties of what you have filed with the court, AND
- ✓ You understand that your case cannot proceed until you have provided proof to the court that notice has been given in a manner permitted by law.
- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign an **“Acceptance of Service”** form in front of a Notary or Clerk of the Superior Court, and return the form for **you** to file with the Court.

NOTE: If you are required to serve notice on a person outside the United States, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at: <http://www.superiorcourt.maricopa.gov/provider/lawyers.asp>.

SELF-SERVICE CENTER

HOW TO SERVE COURT PAPERS ON THE OTHER PARTIES

This packet contains general information, court forms, instructions and procedures for **servicing** court papers, delivering court papers as permitted or required by law. Use **only** the forms that apply to the method of service you have chosen. Do **NOT** copy or file information, instruction or procedures pages with the Court.

Order	File	Title	# Pages
1	GN2k	Checklist: <i>You may use this packet if . . .</i>	1
2	GN2t	Table of Contents (this page)	1
3	GN21h	READ ME: HOW TO SERVE NOTICE AS REQUIRED BY LAW	6
4	GN22p	Procedures: How to Serve the Other Party Using the “ <i>Acceptance of Service</i> ” Method	2
5	GN22f	“Acceptance of Service” form	1
6	DR22f	“Family Court Acceptance of Service” form	3
7	GN24p	Procedures: How to Serve the Other Party By “ <i>Certified Mail</i> ”	1
8	GN24f	“Affidavit Supporting Service by Certified Mail” form	1
9	DR24p	How to Serve Notice by “ <i>Affidavit of Service by Signature Confirmation</i> ” (use in Family Court matters ONLY)	2
10	DR24f	“Affidavit of Service by Signature Confirmation” form (use in Family Court matters ONLY)	3
11	GN23p	Procedures: How to Serve the Other Party By “ <i>Registered Process Server</i> ”	1
12	GN26p	Procedures: How to Serve the Other Party By “ <i>Sheriff</i> ”	2
13	GN27f	“Affidavit Supporting Out of State Service by Process Server or Sheriff” form (required to be filed before applying for a default)*	1
14	GN25p	Procedures: How to Serve the Other Party By “ <i>Publication</i> ”	3
15	GN25f	“Affidavit Supporting Publication” form	4

* #13 **ONLY** required if service made out of state by *other than* mail before applying for a DEFAULT court order.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER

HOW TO SERVE NOTICE AS REQUIRED BY LAW

“Service” means giving legally required notice to other parties that you have filed papers asking for a court order that may affect them. The court papers can **ONLY** be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.

- By completing the steps for service, you tell the court that the other parties have received a copy of the papers you have filed, that they have notice of what you have told the Court and of what you are asking the Court to do (to order).
- After the other parties are served, they are allowed a period of time to file a “Response” or “Answer” if they want to inform the Court that they disagree with what you said or with what you asked the Court to order. The Response or Answer tells you and the Court what the other party wants.
- Your case will not proceed until the Court is satisfied all parties have received proper notice so that they may act to protect their rights.
- The rules differ slightly for serving papers on persons within the state; outside the state; as well as for serving papers in family law matters and in other type cases.
- If you are unable to locate a party, you may still be able to serve notice *by publication*, that is by running a legal notice advertisement IF you can satisfy the Court that you have taken all proper and reasonable steps to TRY to locate and have the papers personally served on the missing party before resorting to publication (Note that you may not be able to establish child support or get certain other court orders when serving notice by publication).
- If the papers are not served properly:
 - your case may be delayed;
 - you may have to re-serve the papers or re-publish the notice;
 - you may incur additional costs;
 - any court order granted may be declared invalid, revoked, or overturned.

Court rules concerning “SERVICE” are contained in the Arizona Rules of Family Law Procedure (A.R.F.L.P.), Rule 40-43, or the ARIZONA RULES of CIVIL PROCEDURE (A.R.C.P.), Rule 4 (for most non-family law matters).

FREQUENTLY ASKED QUESTION (FAQ):

Can I (or a friend or relative) just go hand him or her the papers?

ANSWER: ONLY if the party is willing to sign an “ACCEPTANCE of SERVICE” form in front of a Notary or Court Clerk, stating that they received all required documents, and return that form for you to file with the Court, or file it with the Court themselves.

METHODS OF SERVICE: Make sure that you are using the correct method for your situation.

1. When You Know Where the Other Party Lives in the United States.

- A. SERVICE BY ACCEPTANCE.** This method requires you to give or mail the court papers to the other party and include an “*Acceptance of Service*” form. The other party must *sign* the “*Acceptance*” form in front of a Notary Public, or a Clerk of the Superior Court in Arizona, and return it for you to file or file it with the Court him or her self.

WARNING: Do not use this method of service if you are the victim of domestic violence or you believe the other party may become violent or uncooperative when you ask him/her to accept service. Do not use this method of service if you believe the other party may attempt to harm you or your children or to take your money or your children.

The other party cannot sign the “*Acceptance of Service*” until after you have filed the papers with the Court. The other party’s signature on the “*Acceptance of Service*” does not mean that he/she agrees with the court papers; It only means that the other party admits receiving the papers without being served in person by the sheriff or a process server.

Service is complete at the time the other party signs the “*Acceptance of Service*.” If you choose this method of service, see the “*Procedures: How to Serve the Other Party by “Acceptance of Service”*” document in this packet. **COSTS:** There are no court fees or costs for serving papers by this method.

- B. SERVICE BY MAIL OR COMMERCIAL DELIVERY SERVICE* WITH SIGNATURE CONFIRMATION.** This method requires you to send the court papers to the other party by mail (or for Family Court matters only, by mail or commercial delivery service) and for the other party AND NO ONE ELSE to SIGN for the receipt of the package containing the documents, and for you to file a copy of the proof of mailing and the receiving party’s signature.

For civil or other non-family court matters, you may serve by “certified” or other form of U.S. mail requiring a signed and returned receipt, but only on parties out-of-state. (A.R.C.P. Rule 4.2(c))

For FAMILY COURT matters ONLY: you may serve papers in-state or out-of-state (within the U. S.) by either U.S. mail *or* by a nationwide commercial delivery service such as FedEx or UPS, that provides confirmation of delivery by either a signed paper receipt or by electronic means such as by a printout from the internet, by fax, or by email *so long as it includes a copy of the signature of receipt*. (A.R.F.L.P. Rules 41-42)

Service is complete at the time the other party signs for receipt of the package containing the court papers. If you choose this method of service, see the “*Procedures: How to Serve Papers by Mail or Commercial Delivery with Signature Confirmation*” document in this packet.

COSTS: There are no court fees or costs for serving papers by this method. *Cost of mailing*, as of January 12, 2010, depending on weight of package and delivery options chosen, is estimated at between **\$8.00** and **\$15.00**.

C. SERVICE BY PRIVATE PROCESS SERVER (also known as a “Registered” or a “Certified” process server). This method requires you to hire and pay a certified process server to serve the other party with court papers.

Process Servers:

- Are not court or government employees but are authorized to act as “officers of the court” to deliver court papers to the other party at home, work, or other location, and to file proof of delivery with the Court.
- Do not necessarily have to obtain the signature of the party receiving the court papers.
- May offer greater flexibility in serving papers “after-hours” or on short notice.
- Are paid directly by you, not through the court.

Service is complete at the time the process server delivers the court papers to the other party. You may locate process servers in the commercial section of the phone book under “**PROCESS SERVER**”, or online by using the search term “Arizona process servers” or similar, or at the web site of the Arizona Process Server’s Association at <http://arizonaprocessservers.org/>.

If you choose this method of service, see the “**Procedures: “How to Serve by Process Server”**” document (GN23P) in this packet. If papers are served by a process server or sheriff outside the state of Arizona, you must submit the “**Affidavit Supporting Out of State Service**” also contained in this packet, *before you can apply for a default court order.* A.R.C.P. 4.2(b), or A.R.F.L.P. 42 (B)

COSTS: Private process servers set their own fees. Fees vary. Ask and compare.

D. SERVICE BY SHERIFF. This method requires you to contact the Sheriff’s Office in the county where the other party lives (or is incarcerated) to arrange for a Sheriff’s deputy to give the other party the court papers.

Service by Maricopa County Sheriff’s Civil Process Unit:

- Is performed Monday – Friday, from 6 A.M. to 6 P.M.
- May take 2 to 3 weeks.
- Requires payment of a deposit from which costs are deducted and the balance then refunded, unless . . .
- You apply and qualify for a *deferral* (to pay later) or *waiver* (to not pay at all).

For more information on “**Service by Sheriff**” in Maricopa County, see the Sheriff’s Department web page at www.mcso.org and click on “Civil Process” at left, or call 602-876-1840.

Service is complete at the time the sheriff or deputy delivers the court papers to the other party. If you choose this method of service, see the “**Procedures: “How to Serve by Sheriff”**” document in this packet. If having the papers served by a sheriff outside the state of Arizona, you must submit the “**Affidavit Supporting Out of State Service**” also contained in this packet, *before you can apply for a default court order.* A.R.C.P. 4.2(b), or A.R.F.L.P. 42 (B)

COSTS: As of January 8, 2010, the amount of the deposit in Maricopa County is \$200.00 and costs are \$2.40 per mile (\$16.00 minimum) calculated from the Maricopa County Sheriff’s Office in downtown Phoenix. There is an additional \$8.00 charge for persons who mail papers to the Sheriff’s Department to be served in Maricopa County for return of an “Affidavit of Service”.

2. When You Cannot Find the Other Party:

- A. SERVICE BY PUBLICATION.** This method requires that you run a legal notice advertisement for a set number of times over a set period of time in what the law refers to as a “newspaper of general circulation”.

Service by Publication:

- May be used only if you do not have a current address for the other party, and the court is satisfied that you have taken *every reasonable step* to find the other party and have the court papers delivered to them directly, but have been unable to do so.
- Requires you to pay the cost of publishing unless you may apply and qualify for a *deferral* or *waiver* (to pay later or not pay at all) *and* publish in the paper that has contracted with the court to handle fee-deferred matters.
- Can be expensive and may delay your court case.
- Should be your “last resort.”

To use this method, see the “**Procedures: “How to Serve by Publication”**” document in this packet.

COSTS: Each publication sets its own fees. Fees vary. Ask and compare.

- B. ALTERNATIVE SERVICE.** If **none** of the methods listed above work for your situation because the person to be served is hiding or otherwise is difficult to serve papers on, you may file a “**Motion for Alternative Service**” to ask for the court’s permission to serve notice by **other** means. A lawyer can advise as to what alternatives are available and write up or advise you how to write up the motion (which is not included in this packet).

3. SERVING PAPERS IN SPECIAL CIRCUMSTANCES.

- A. SERVING NOTICE ON PRISONERS:** An inmate may be served by “**Acceptance of Service**” if he or she has access to a Notary **and** is willing to sign and return the **Acceptance** form to you (see **1A** regarding “Service by Acceptance”). Otherwise inmates must be served by sheriff of the county where jailed (see **1D** regarding “Service by Sheriff”).

- B. SERVING NOTICE ON THE STATE:** If the State of Arizona is a party to the case, notice must also be served on the Office of the Attorney General of Arizona.

The State of Arizona may be a party to the case because:

- You are suing the state, or
- This is a matter affecting child support and either party used the services of the State in establishing or collecting child support or received public benefits for the children.

In matters affecting child support in which the state is a party, the Attorney General’s Division of Child Support Enforcement (**DCSE**) will sign an “**Acceptance of Service**” and return the form for **you** to file with the court. There are no court costs or fees for serving by this method. Refer to the “**Procedures**” page in Self-Service Center child support packets for additional information on serving notice on the State.

C. SERVING NOTICE OUTSIDE THE UNITED STATES:

Service on individuals in foreign countries is governed by treaties between the U.S. and individual countries or international agreements such as the "Hague Convention on Service Abroad" and the "Inter-American Service Convention". The latter includes most of south and central America as well as Mexico.

The information below appeared on the web page of the U. S. State Department on January 14, 2010, under the topic of "Service of Legal Documents Abroad", at:

http://travel.state.gov/law/info/judicial/judicial_680.html

DISCLAIMER: The Superior Court of Arizona in Maricopa County has not verified and cannot guarantee the information on the State Department web page is either accurate or current.

The State Department provides its own disclaimer as follows:

DISCLAIMER: The information (on this page) relating to the legal requirements of specific foreign countries is provided for general information only and may not be totally accurate in a particular case. Questions involving interpretation of specific foreign laws should be addressed to foreign counsel.

Mexico and other countries belonging to the Inter-American Service Convention require:

- Documents to be served be translated into the official language of the country of destination.
- Documents to be submitted to a "central authority" which will effect service.
- U.S. Marshal form USM-272 or USM-272A (Spanish) also be submitted to the central authority.
- Service by private individuals such as attorneys, investigators or private process servers is NOT considered to be valid in Mexico.

Different rules apply to signers of the Hague Convention. For further information on service of legal documents outside the United States, refer to the web pages of the U.S. State Department or contact the U.S. central authority at:

Office of International Judicial Assistance, Civil Division, Department of Justice
1100 L St., N.W., Room 11006, Washington, D.C. 20530
Telephone: (202) 307-0983; fax: (202) 514-6584

WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written response with the Court, you CANNOT GO BY DEFAULT.

DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
"Acceptance of Service" (in Arizona)	20 days	after other party signs "Acceptance of Service"
Process Server (in Arizona)	20 days	after other party receives papers from process server
Sheriff (in Arizona)	20 days	after other party receives papers from sheriff
"Acceptance of Service" (out of State)	30 days	after other party signs "Acceptance of Service"
Certified mail (out of State)	30 days	after other party signs green card
Process Server (out of State)	30 days	after other party receives papers from process server
Sheriff (out of State)	30 days	after other party receives papers from sheriff
Publication	60 days	after the 1 st day of publication
	90 days	after the 1 st day of publication if for divorce, legal separation or annulment

SELF SERVICE CENTER

HOW TO SERVE THE OTHER PARTY USING “**ACCEPTANCE OF SERVICE**” METHOD AFTER YOU HAVE FILED YOUR COURT PAPERS

STEP 1: ASK THE OTHER PARTY TO ACCEPT SERVICE OF THE COURT PAPERS AFTER YOU HAVE FILED THE COURT PAPERS.

- You can ask the other party to accept service by talking to him/her, calling him/her, or sending him/her the letter which is in this packet.
- **WARNING:** Do **not** do this if you are the victim of domestic violence or believe the other party will hurt you, take your money, or take your children. If you have questions about whether you should use this method, you should see a lawyer for help.
- The other party **cannot** sign the “**Acceptance of Service**” until **after** you have filed the court papers.

STEP 2: IF THE OTHER PARTY AGREES TO ACCEPT SERVICE, YOU HAVE 3 OPTIONS:

A. GO: You and the other party can go to the filing counter at the courthouse where you filed the court papers. Bring the original “**Acceptance of Service**,” plus two copies (one for you and one for the other party). The other party must now sign the original “**Acceptance of Service**” in front of the Clerk at the filing counter. The Clerk will notarize the other person's signature for FREE. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the “**Acceptance of Service**.”

OR

B. MEET: Arrange with the other party, a place and time to meet before a Notary Public. Bring the original “**Acceptance of Service**” plus two copies (one for you and one for the other party). You should also bring the court papers with you in case the other party or the Notary Public want to see the court papers. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the “**Acceptance of Service**.” There is usually a small cost to use a Notary Public.

OR

C. MAIL: Mail a copy of the court papers to the other party with the original “**Acceptance of Service**.” Ask the other party to sign the “**Acceptance of Service**” and tell the other party **why** you have asked him or her to sign the “**Acceptance of Service**.” You may use the form letter in this packet to tell the other party why you have asked him or her to sign the “**Acceptance of Service**.”

AND

D. SIGN: The other party must sign the Original “**Acceptance of Service**” and write in the date he/she signed the “**Acceptance of Service**.” The other party must sign the Original “**Acceptance of Service**” in front of a Notary Public. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the “**Acceptance of Service**.” There is usually a small cost to use a Notary Public. The other party should then send you the signed and notarized Original “**Acceptance of Service**.” You should write the date the other party signed the “**Acceptance of Service**” on your copy.

NOTE: If the other party does not send back the ***“Acceptance of Service,”*** ask him/her again to send it back. If other party still does not send it back, then you have to serve the other party by one of the other service methods.

STEP 3: FILE THE SIGNED AND NOTARIZED *“ACCEPTANCE OF SERVICE”* AT THE COURT:

- **GO** to the Clerk at the court where you filed the court papers and file the original ***“Acceptance of Service”*** signed by the other party and notarized.
- **GIVE** the Clerk the ORIGINALS:
 1. ***“SUMMONS,”*** if you had one
 2. ***“ACCEPTANCE OF SERVICE”*** signed by the other party in front of a notary public

STEP 4: COUNT: Count the days from the date the other party signed the ***“Acceptance of Service.”*** If the other party received the ***“Acceptance of Service”*** in the State of Arizona and does not file a Response or Answer within **20** days from the date he or she signed the ***“Acceptance of Service,”*** or if the other party received the ***“Acceptance of Service”*** *outside* the State of Arizona and does not file a Response or Answer within 30 days from the date he or she signed the ***“Acceptance of Service,”*** see Packet #3 regarding Default.

DO NOT BRING CHILDREN TO COURT.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

(OTHER PARTY'S NAME)

(ADDRESS)

(CITY/STATE/ZIP)

Re: Acceptance of Court Papers

Dear _____
(Other Party's Name)

I have filed court papers for (state title of petition or complaint here)_____.

Enclosed is a copy of the following court papers for you: (list the names of all of the court papers here)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

I have also enclosed an **"Acceptance of Service"** form. Sign this form in front of a Notary Public and return it to me in the self-addressed stamped envelope. This does not affect your right to object to or to disagree with the request that has been filed. If you choose to not sign the **"Acceptance,"** you may be charged for any extra costs required to serve the papers by other means (Arizona Rules of Civil Procedure 4.1(c)). Signing the **"Acceptance"** will save you the cost of hiring a process server or the sheriff to serve the papers.

If you choose to sign the **"Acceptance of Service,"** you still have the right to disagree with the request I have filed. If you sign the **"Acceptance of Service,"** and you want to file a written Response or Answer with the court, you must file your Response or Answer within **20** days of signing the **"Acceptance of Service"** if you sign in the State of Arizona, or within **30** days of signing if you sign outside the State of Arizona. (If you received a Paternity Complaint, you can give a verbal response in front of the judge.)

Sincerely,

(YOUR SIGNATURE)

Enclosures

Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime / Evening Phone: _____
Representing: ☐ Self or Attorney for Petitioner Respondent
(If Attorney) State Bar No.: _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case No: _____

(Name of Petitioner/Plaintiff)

ACCEPTANCE OF SERVICE A.R.C.P. Rule 4 (f)

(Name of Respondent/Defendant)

Read Carefully. By signing your name on the next page in the presence of a Notary Public or a Clerk of the Superior Court, you are stating under oath or affirmation that you have read this document and understand its contents and that you have received and accepted the documents listed. Accepting these papers does not affect your right to disagree with them.

1. **ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process (service by a process server or sheriff), and understand by accepting these papers, it is the same as if I were personally served under Arizona Law Rule 4 (f), Arizona Rules of Civil Procedure].
2. **RESPONSE DEADLINE.** I understand that accepting service of these court papers does not affect my right to file a written Response or Answer to this action if I disagree. I understand that if I do not agree with any relief asked for in the Petition, I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service if I accepted service in Arizona, or within **30** days if I received the papers somewhere other than Arizona.
3. **DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend in this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to Respond or Answer could result in the court giving the other party any and all things requested in his or her legal papers, through a Default Judgment, Order or Decree.

On the following page, describe the type of case the documents you have received relate to and list *each* individual document received.

Case No. _____

4. Type of Case: (Title from case caption or describe) _____

I have received and voluntarily accept service of the legal documents listed below:

(List name/title of document. Example: "Petition", "Summons".)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I swear or affirm that I have read and understand the contents of this document and that the information I have provided is true and correct to the best of my knowledge and belief.

_____	_____
Date	Signature
Affirmed before me this: _____	by _____
(Date)	Printed Name of Person Who Signed
My Commission Expires _____	_____
or Seal (below):	Deputy Clerk or Notary Public

Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime / Evening Phone: _____
Representing: ☐ Self or Attorney for ☐ Petitioner ☐ Respondent
(If Attorney) State Bar No.: _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case No: _____

Name of Petitioner/Plaintiff

FAMILY COURT ACCEPTANCE OF SERVICE

A.R.F.L.P. Rule 40

Name of Respondent/Defendant

Check the box to indicate each document you received. Do **not** check the box unless you received the document listed beside it. If your case is not one of the types listed, list the type of case and the documents you received from the other party under "Other Type Case" on the next page.

1. BY SIGNING THIS DOCUMENT, I STATE UNDER OATH OR AFFIRMATION THAT I HAVE RECEIVED AND ACCEPTED THE LEGAL PAPERS INDICATED (CHECKED) BELOW:

**DIVORCE (OR ANNULMENT)
WITH CHILDREN**

- ☐ Petition
☐ Summons
☐ Preliminary Injunction
☐ Health Insurance Notice
☐ Parent Info. Program Notice
☐ Notice to Creditors
☐ Affidavit Regarding Minor Children

**LEGAL SEPARATION
WITH CHILDREN**

- ☐ Petition
☐ Summons
☐ Preliminary Injunction
☐ Notice to Creditors
☐ Health Insurance Notice
☐ Parent Info. Program Notice
☐ Affidavit Regarding Minor Children

**DIVORCE (OR ANNULMENT)
WITHOUT CHILDREN**

- ☐ Petition
☐ Summons
☐ Preliminary Injunction
☐ Health Insurance Notice
☐ Notice to Creditors

**LEGAL SEPARATION
WITHOUT CHILDREN**

- ☐ Petition
☐ Summons
☐ Preliminary Injunction
☐ Notice to Creditors

PATERNITY (to establish)

- ☐ Petition
☐ Summons
☐ Parent Info. Program Notice

Temporary Orders

- ☐ Motion for Temporary Order
☐ Order to Appear
☐ Family Court Dept. Notices about:
☐ Returns/Conferences
☐ Temporary Orders
☐ Affidavit of Financial Info.
(if for spousal maintenance)
☐ Parents Worksheet for Child Support (if for child support)
☐ Parenting Plan
(if for custody/parenting time)

CHILD CUSTODY, PARENTING TIME, SUPPORT (to establish when paternity already *legally* established)

- ☐ Petition ☐ Summons ☐ Parent Info. Program Notice

CHILD SUPPORT (to establish when paternity already *legally* established)

- ☐ Petition ☐ Order to Appear ☐ Parents Worksheet for Child Support

ENFORCEMENT

- ☐ Petition ☐ Order to Appear

MODIFY CHILD SUPPORT 15% OR MORE
("Simplified Mod")

- ☐ Petition to Modify
- ☐ Parents Worksheet for Child Support
- ☐ Blank Request for Hearing

MODIFY SPOUSAL MAINTENANCE OR SPOUSAL AND CHILD SUPPORT ("Standard Mod")

- ☐ Petition to Modify Support Order
- ☐ Order to Appear
- ☐ Affidavit of Financial Information

MODIFY CHILD SUPPORT ("Standard Mod")

- ☐ Petition to Modify Child Support – Std. Process
- ☐ Affidavit of Financial Information
- ☐ Order to Appear

MODIFY CUSTODY &/OR PARENTING TIME
(Visitation) **AND SUPPORT**

- ☐ Petition to Modify
- ☐ Parents' Worksheet for Child Support
- ☐ Notice of Filing for Modification of Custody
- ☐ Affidavit Regarding Minor Children (*if children not lived in Maricopa Co. whole time since last custody order*)

STOP ORDER OF ASSIGNMENT

- ☐ Petition to Stop Order of Assignment
- ☐ Blank Request for Hearing

MODIFY (Change) ORDER OF ASSIGNMENT

- ☐ Petition to Modify Order of Assignment
- ☐ Blank Request for Hearing

LIST OTHER TYPE CASE HERE: (Example: "Annulment") _____
(Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. **ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process by a process server or sheriff. I understand accepting these papers is the same as if I were personally served under Arizona Law [A.R.F.L.P. Rule 40 (F)]
3. **RESPONSE DEADLINE.** I am aware that accepting service of these court papers and signing this paper does not affect my right or obligation to file a written Response or Answer to this action if I do not agree with any relief asked for in the Petition. I understand I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service if I accepted service in Arizona, or **30** days if I received the papers somewhere other than in Arizona.
4. **DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend in this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to Respond or Answer could result in the court giving the other party any and all things requested in his or her legal papers, through a Default Judgment, Order or Decree.

Case No. _____

5. RESTORE NAME (ONLY in Divorce Cases).

My complete married name is: (Optional. Complete ONLY if you want to change your name)

I want my legal name restored to: (List complete maiden name or legal name before this marriage)

BY SIGNING BELOW, I swear or affirm that I have read and understand the contents of this document and that I have received and accepted the legal documents indicated above.

Date

Signature

Affirmed before me this: _____ by _____
(Date)

Printed Name of Person Who Signed

My Commission Expires _____
or Seal (below)

Deputy Clerk or Notary Public

SELF-SERVICE CENTER

PROCEDURES: HOW TO SERVE COURT PAPERS – BY CERTIFIED MAIL

USE THIS PROCEDURE ONLY after you have filed your papers with the court.

STEP 1: GO TO THE POST OFFICE and tell the clerk you would like to mail the other party a letter as follows:

- Certified Mail, and
- Deliver to Addressee Only, and
- Restricted Delivery, and
- Return Receipt Requested, and
- Pay the postage

STEP 2: WAIT for green receipt to be returned with the other party's signature. When you get the green receipt, note the date the other party received and signed for the papers.

STEP 3: PAPERS FOR THE COURT

- **COMPLETE:** Original of ***"Affidavit of Service by Certified Mail."*** Fill in ***ALL*** information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card. If you fail to list a date, the court may not process your papers and your case may be delayed.
- **ATTACH:** You must attach a copy of the green receipt to the Affidavit to prove how you served the other party. Make sure you copy both sides of the green receipt. **Do not throw the original green receipt away. Keep the original in your files.**
- **COPY:** Make yourself a copy of the ***"Affidavit of Service by Certified Mail"*** and attach the green receipt to it.

STEP 4: FILE PAPERS WITH THE COURT. File the Original ***"Affidavit of Service by Certified Mail"*** and attach a copy of the green receipt with the Clerk of the Court.

STEP 5: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party signed the green receipt.)

DO NOT BRING CHILDREN TO COURT.

Name of Person Filing Document: _____

Your Address: _____

Your City, State, Zipcode: _____

Your Telephone Number: _____

ATLAS Number (if applicable): _____

Attorney Bar Number (if applicable): _____

Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner/Plaintiff

Case Number: _____

AFFIDAVIT SUPPORTING SERVICE by CERTIFIED MAIL

Name of Respondent/Defendant

A.R.C.P. Rule 4.2(c), A.R.C.P. Rule 42

STATE OF ARIZONA)
County of Maricopa)ss.

1. I am familiar with the facts stated in this Affidavit, and I make this Affidavit to show that I have served the court papers on the other party by certified mail, postage prepaid, return receipt requested, pursuant to Arizona Rules of Civil Procedure, Rule 4.2(c) or Arizona Rules of Family Law Procedure, Rule 42.

Person served (name of other party): _____

Address where other party was served: _____

Date of receipt by the other party: _____

Date of return of receipt to sender: _____

2. I know that the other party is located outside the State of Arizona. The following documents were sent to the other party by certified mail: (List all of the documents sent to the other party):

These court papers were received by the other party as shown by the receipt, a copy of which is attached to this Affidavit as required by Arizona Rules of Civil Procedure, Rule 4.2(c) or Arizona Rules of Family Law Procedure, Rule 42.

Date

Sender's Signature

Sworn to or Affirmed: _____ by _____
Date

Printed Name of Person Who Signed

My Commission Expires _____
Or Seal below

Deputy Clerk or Notary Public

SELF-SERVICE CENTER

PROCEDURES: HOW TO SERVE FAMILY COURT PAPERS BY MAIL OR OTHER DELIVERY SERVICE WITH SIGNATURE CONFIRMATION

USE THIS PROCEDURE ONLY after filing your *family court* papers.

As of January 1, 2006, you may now serve family court papers in-state or out of state (within the U. S.) by certain forms of U.S. Mail or by a nationwide delivery service such as FedEx or UPS, that provides confirmation of delivery by either a signed paper receipt or by electronic means such as by a printout from the internet, by fax, or by email *so long as it includes a copy of the signature itself*.

Note:

- ◆ You must obtain a *signature* confirming delivery;
- ◆ It can ONLY be the SIGNATURE OF THE OTHER PARTY (and no one else);
- ◆ You must submit a copy of the signature to the Court attached to the “*Affidavit of Service with Signature Confirmation*”;
- ◆ You can generally obtain a copy of the signature within a few *hours* of delivery from the delivering company’s web site, or
 - ▶ by a toll-free phone call to have a copy of the signature sent to your fax machine, or
 - ▶ if using U.S. Mail with “*Signature Confirmation*”, you may also use the same toll-free number to request a printed copy of the signature be *mailed* to you, which should reach any U. S. destination within three to five business days.

STEP 1: GO TO THE POST OFFICE or / FedEx / UPS, etc., and tell the clerk you need *signed confirmation of delivery* and that you will need a copy of the signature. Remembering that only the signature of the other party can satisfy the requirements of the Court, you may also choose to request “**Restricted Delivery**”, that is that no one except the named addressee (the other party) be allowed to sign for receipt of the documents.

STEP 2: GET COPY OF OTHER PARTY’S SIGNATURE. If using Certified Mail, wait for the green receipt card to be returned with the other party’s signature. When you get the green receipt, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the third page of the affidavit. If using some other form of delivery with signature confirmation from the Postal Service, FedEx or UPS, etc., you may go to the company’s web site to confirm delivery and get a copy of the signature of the party as described in the “*Note*” above Step 1. Tape that copy of the signature to the third page, as well as the cash register receipt or other proof of mailing.

STEP 3: PAPERS FOR THE COURT

- **COMPLETE:** The “*Affidavit of Service with Signature Confirmation*.” Fill in *ALL* information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card (if using Certified Mail). If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.

- **ATTACH:** You must attach a copy of the other party's signature confirming receipt of the court documents to the 3rd page of the Affidavit. If using Certified Mail, copy both sides of the green return receipt card and attach either the original or the photocopy to prove how and when you served the other party.
- **COPY:** Make yourself a copy of the entire "**Affidavit of Service by Signature Confirmation**" including the third page with the return receipt card *or copy of other document* showing the signature of the other party acknowledging receipt of the documents *for your records*.

STEP 4: FILE PAPERS WITH THE COURT. File the Original "**Affidavit of Service by Signature Confirmation**" with the green return receipt or other form of confirmation bearing the signature of the other party with the Clerk of the Court at any of these Superior Court locations:

Central Court Building

201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast Court Complex

222 East Javelina Drive, 1st floor
Mesa, Arizona 85210

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032

STEP 5: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. When counting the days, start counting with the day **after** the other party signed the receipt.

(1) Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Telephone: _____ / _____
Person Filing is: ☐ SELF (No Attorney) OR ☐ Attorney
If Attorney, Bar No. _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(2) _____
Petitioner

(2) Case Number _____

(3) _____
Respondent

AFFIDAVIT OF SERVICE WITH SIGNATURE CONFIRMATION For Family Court Cases

Arizona Rules of Family Law Procedure 41 & 42

**YOU MUST ATTACH A COPY OF A SIGNED RETURN RECEIPT FOR DELIVERED MAIL *and*
A COPY OF THE RECEIPT THAT SHOWS TO WHOM AND WHERE THE DOCUMENTS WERE SENT.**

I sent the family court legal documents checked or listed below to the other party in the manner indicated. The documents were signed for BY THE OTHER PARTY ONLY AND NO ONE ELSE.
A copy of the OTHER PARTY'S SIGNATURE acknowledging receipt of delivery is attached to page 3.

Mailed to (Name): _____

Address: _____

City, State, Zip: _____

Date documents sent: (Month/Day/Year) _____

Date documents delivered: (Month/Day/Year) _____

Mark the box beside each document you sent to the other party. You must send each and every document listed under your type of court case unless indicated otherwise.

DIVORCE (OR ANNULMENT) WITH CHILDREN

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Notice to Creditors
- ☐ Affidavit Regarding Minor Children

LEGAL SEPARATION WITH CHILDREN

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Notice to Creditors
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Affidavit Regarding Minor Children

DIVORCE (OR ANNULMENT) WITHOUT CHILDREN

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Notice to Creditors

LEGAL SEPARATION WITHOUT CHILDREN

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Notice to Creditors

PATERNITY (to establish)

- ☐ Petition
- ☐ Summons
- ☐ Parent Info. Program Notice

TEMPORARY ORDERS

- ☐ Motion for Temporary Order
- ☐ Order to Appear
- Family Court Dept. Notices about:
 - ☐ Returns/Conferences
 - ☐ Temporary Orders
 - ☐ Affidavit of Financial Info.
(if for spousal maintenance)
 - ☐ Parents Worksheet for Child Support
(if for child support)
 - ☐ Parenting Plan
(if for custody/parenting time)

Case No. _____

CHILD CUSTODY, PARENTING TIME, SUPPORT (to establish when paternity already *legally* established)

☐ Petition ☐ Summons ☐ Parent Info. Program Notice

CHILD SUPPORT (to establish when paternity already *legally* established)

☐ Petition ☐ Order to Appear ☐ Parents Worksheet for Child Support

MODIFY CHILD SUPPORT 15% OR MORE

("Simplified Mod")

☐ Petition to Modify
☐ Parents Worksheet for Child Support
☐ Blank Request for Hearing

MODIFY SPOUSAL MAINTENANCE OR SPOUSAL AND CHILD SUPPORT ("Standard Mod")

☐ Petition to Modify Support Order
☐ Affidavit of Financial Information
☐ Order to Appear

MODIFY CHILD SUPPORT ("Standard Mod")

☐ Petition to Modify Child Support – Std. Process
☐ Affidavit of Financial Information
☐ Order to Appear

MODIFY CUSTODY &/OR PARENTING TIME AND SUPPORT

☐ Petition to Modify
☐ Notice of Filing for Modification of Custody
☐ Parents Worksheet for Child Support
☐ Affidavit Regarding Minor Children (*only if children have not lived in Maricopa Co. whole time since last custody order*)

STOP ORDER OF ASSIGNMENT

☐ Petition to Stop Order of Assignment
☐ Blank Request for Hearing

MODIFY (Change) ORDER OF ASSIGNMENT

☐ Petition to Modify Order of Assignment
☐ Blank Request for Hearing

OTHER TYPE CASE (List Type): (Example: "Annulment") _____ (Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

How I sent the documents:

- ☐ U.S. Mail (Express or Priority Mail with Signature Confirmation, or Certified Mail. **Copy of OTHER PARTY'S SIGNATURE of Receipt is attached.**
- ☐ Commercial Delivery Service (FEDEX, UPS, etc.) **Copy of OTHER PARTY'S SIGNATURE of Receipt is attached.**

OATH OR AFFIRMATION: By signing below, I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Signature of Person Sending Documents

Date

Signed and Sworn to or Affirmed before me this date:

(Seal/My Commission Expires)

Deputy Clerk or Notary Public

Case No. _____

Attach a copy/printout of the other party's signature acknowledging receipt of the court papers here. If using Certified Mail, tape the green signed return receipt card to this page with the signature side visible.

- Note that the only acceptable signature is that of the OTHER PARTY.
- You may specify "restricted delivery" so that no other person is permitted to sign,
- Some delivery services do not offer restricted delivery.

Attach a copy of the cash register receipt/mailling invoice from the Postal Service or company paid to make delivery or a copy of the package label that shows to whom and where the documents were sent.

SELF-SERVICE CENTER

HOW TO SERVE COURT PAPERS BY REGISTERED PROCESS SERVER

STEP 1: FIND. You must hire a Registered Process Server. You may locate process servers in the commercial section of the phone book under "**PROCESS SERVER**", or online by using the search term "Arizona process servers" or similar, or at the web site of the Arizona Process Server's Association at <http://arizonaprocessservers.org/>.

Notice: There is a filing fee for all Petitions or Complaints, and Responses or Answers, and there are Service Fees. You may request a Waiver or Deferral of the filing fees (and the Sheriff's Service Fees, if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court.

- **May offer greater flexibility in serving papers "after-hours" or on short notice.**
- **Are paid directly by you, not through the court.**
- **Fees may not be deferred or waived by the court.**

STEP 2: GO. Go to the Registered Process Server's office. **TAKE** with you the following things:

- Copy of "**Summons**" (if your case has a summons)
- Other party's set of copies of the court papers.
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The amount you need to pay for this service. (You can call ahead of time to ask the Process Server what type of payment they require.)

STEP 3: WAIT. The Process Server will mail you a copy of the "**Affidavit of Service**" after he/she serves the other party with the papers. **IMPORTANT: If the Process Server does not file an "Affidavit of Service" with the Clerk of the Court, you must get the "Affidavit of Service" from the Process Server and file it.**

STEP 4: COUNT. Look at the "**Affidavit of Service**" to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers.

DO NOT BRING CHILDREN TO COURT.

SELF SERVICE CENTER

PROCEDURES: HOW TO SERVE COURT PAPERS BY SHERIFF

STEP 1: GO.

Contact the Sheriff's Office in the county where the other party lives. Bring your court papers with you, **or** send a copy of the court papers to the Sheriff's Office if the other party does **not** live in the same county as you do. The Sheriff's Office in Maricopa County is located at:

Maricopa County Sheriff's Office, Civil Unit
201 West Jefferson Street, 1st Floor
Central Court Building
Phoenix, Arizona 85003
602-876-1840

Notice: There is a filing fee for all Petitions, Complaints, Answers and Responses and there are service fees. You may request a waiver or deferral of the filing fees (and the Sheriff's service fees if you intend to use the Sheriff's Office in Maricopa County for service) at the time you file your papers with the Clerk of the Court.

STEP 2: WRITE.

Fill out the attached sheet for identifying the other party and bring:

- Other party's set of copies of the court papers.
- A picture or written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- **"Certified Order Waiving/Deferring Fees,"** or a \$200.00 deposit fee - cash/money order. Costs of service will be deducted and the balance refunded to you.

STEP 3: WAIT.

The Sheriff may mail you a copy of the **"Affidavit of Service"** after the other party is served with the papers, **or** the Sheriff may file these papers instead of sending them back to you.

STEP 4: COUNT:

Read the **"Affidavit of Service"** to find out the date the other party was served with the court papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party was served with the court papers.)

DO NOT BRING CHILDREN TO COURT.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

(COUNTY NAME) **County Sheriff**

(ADDRESS)

(CITY/STATE/ZIP)

COURT CASE NO. _____

REGARDING: (NAME OF PERSON TO BE SERVED) _____

I enclose a copy of the following documents: (LIST ALL DOCUMENTS YOU WANT TO BE SERVED)

Please serve these papers on the other party. His or her current address and physical description are:

(OTHER PARTY'S NAME)

(HOME ADDRESS)

(WORK ADDRESS)

(HOME CITY/STATE/ZIP)

(WORK CITY, STATE, ADDRESS)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized **"Affidavit of Service"** to my address at your earliest convenience. The court requires that each document served be named in the **"Affidavit of Service."**

☐ I also enclose a deposit of \$200. I understand there is a \$16.00 service fee, a travel fee of \$2.40 per mile (one way), for each attempt at service, and a \$8.00 notary fee. I understand that the difference between my deposit and the fees accrued for service will be billed, or returned, to me.
OR,

☐ I also enclose a certified copy of the **"Order for Waiver/Deferral of Fees for Service of Process."**

Thank you for your cooperation in this matter.

(YOUR SIGNATURE)

Enclosures

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar No. (if applicable) _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner/Plaintiff

Case Number: _____

AFFIDAVIT SUPPORTING OUT-OF-STATE SERVICE

A.R.C.P. 4.2(b); A.R.F.L.P. 42 (B)

(Required to be filed prior to any default)

Name of Respondent/Defendant

As required by Arizona Rules of Civil Procedure, Rule 4.2(b), or Arizona Rules of Family Law Procedures, Rule 42(B), I am filing this Affidavit to inform the Court why service was made by a person authorized to serve process under the law of the state where such service was made.

1. Reason for service by process outside the State of Arizona:
☐ The other party resides or works outside the State of Arizona.
☐ Other Reason: _____
2. I have attached the Affidavit of the person who served the papers upon the other party, including a statement of the date, time, and circumstances of delivery.
3. The Affidavit indicates the person who served the papers is:
☐ A licensed or registered process server in the state where the papers were served.
☐ Sheriff, Deputy Sheriff, or other law enforcement
☐ Other Person authorized to serve process under the laws of the State where service is made, namely: _____
4. By signing this document, I state to the Court under penalty of perjury that its contents are true and correct to the best of my knowledge and belief.

Date

Signature

Printed Name

SELF-SERVICE CENTER

PROCEDURE: HOW TO SERVE THE COURT PAPERS BY PUBLICATION

STEP 1: PUBLISH THE COURT PAPERS.

A. How to serve the court papers by publication if you do not know if the other party lives in the county in which your case is pending and/or the other party's last known address was not in Arizona.

1. IF YOU ARE PAYING THE COSTS TO PUBLISH, USE ANY PAPER OF GENERAL CIRCULATION not limited to those listed below, but they must use a format acceptable to the Court. Publications that regularly publish legal notices that are familiar with the requirements include the following:

a. **THE RECORD REPORTER.** Call **(602) 417-9900** to determine the cost of publishing your legal ad and to confirm how you wish to pay. Visa, MasterCard, Discover, American Express, and checks or money orders made payable to the Record Reporter, are accepted. The cost, for example, of publishing a Summons in a divorce case is \$65.33 (as of 2/1/2011).

Mail or deliver payment and the letter that is attached to this form along with a copy of the documents you filed with the Clerk, to: **Record Reporter, Legal Advertising, 1505 N. Central, Suite 200, Phoenix 85004.**

b. **THE ARIZONA BUSINESS GAZETTE.** Call **(602) 444-7315** to determine the cost of publishing your legal ad and to confirm how you wish to pay. Visa, MasterCard, Discover, checks and money orders, are accepted.

Mail payment and the letter that is attached to this form along with a copy of the documents you filed with the Clerk, to: **Arizona Business Gazette, Legal Advertising, P. O. Box 194, Phoenix, AZ 85001**, OR if you have already arranged payment, you may fax the documents to **(602) 444-7364**, OR,

You may deposit the above in the DROP BOX near the Clerk of Superior Court's filing counter at 201 W. Jefferson in Phoenix, OR,

2. If you have a Court Order **DEFERRING SERVICE COSTS**, you **MUST** use **THE ARIZONA BUSINESS GAZETTE**. (602-444-7315). Follow the instructions in "b", above and include the **Certified Order Deferring Publication Fees** with the other papers delivered to The Gazette.

Notice: There are fees or costs for service of court papers (unless by recipient voluntarily signs an "Acceptance of Service" in front of a Notary). If you intend to use the Sheriff's Office for service or to serve notice by publication, you may apply for a deferral (delayed payment), or waiver (to not have to pay at all – if you qualify), when you file your papers with the Clerk of the Court.

B. How to publish service if the other party's last known address is in Arizona and that address is not in the county in which your case is pending:

1. You must publish in the county in which your case is pending **and** you must publish in a newspaper in the county of the last known residence of the person to be served.

2. To publish in Maricopa County follow the instructions in "A" above how to publish service of process if the other party lives in the same county in which your case is pending.
3. To publish in another county (not Maricopa County) you will need to contact a newspaper company in that county.

STEP 2: WAIT. Wait for the newspaper to send you the original of the document called "**AFFIDAVIT OF SERVICE**" in about five weeks.

STEP 3: COMPLETE YOUR PAPERWORK:

- A. **Fill out** the "**AFFIDAVIT SUPPORTING PUBLICATION**", where you will list everything you did to attempt to find the other party before resorting to publication.

NOTICE: If the Court is not satisfied that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.

Examples of steps you **MUST** take before you can serve by Publication: verify the Respondent is not at any last known address(es), talk to Respondent's friends, family members, current or former employers, co-workers, or anyone else you think may have a current address. Additional "reasonable efforts" may include searching telephone directories and obituaries online or in print (phone book and newspaper), as well as checking the county jail and the state prisons (Department of Corrections). "Reasonable effort" may also include searching online networking sites such as Facebook, MySpace, Hi5, Friendster, LinkedIn and Plaxo, as well as Internet "people search" sites such as Spokeo and ZabaSearch.com. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party.

- B. **ATTACH** a copy of the published notice from the newspaper(s).
- C. **KEEP A COPY** for yourself of the "**AFFIDAVIT SUPPORTING PUBLICATION**".

STEP 4: FILE THE COURT PAPERS:

- A. File the original of the "**AFFIDAVIT SUPPORTING PUBLICATION**", and a copy of the publication(s), and
- B. File the original "**AFFIDAVIT OF SERVICE**" you received from the newspaper(s).

WHAT NEXT? COUNT DAYS and APPLY FOR DEFAULT, OR APPEAR AT HEARING

- A. **Determine the date of the first newspaper publication.** This is considered to be the date the other party was served with the court papers. Then, count the days for the other party to file a Response or Answer (if required). When counting down the days, start counting with the day *after* the first day of publication.
- B. **If a summons was published** and the party to receive notice does not file a response or "answer" within the designated time period, he or she is said to have **defaulted**, and you **may** need to submit an **application for default** for your case to proceed. See the checklist in the Self-Service Center's **Default** packet or consult a lawyer to see if this applies to your situation. You may also fill out an application for default online by clicking on "**Application for Default**" on the right side of the web page at: <http://ecourt.maricopa.gov>.
- C. Unless the Court specifically orders a party to file a Response or other specific pleading, any Response to a "**Petition for Order to Appear**" is optional. **Arizona Rules of Family Law Procedure, Rule 6.3(h).**

Print Name

Your Address

_____, 20____
Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter: Court Case No. _____
Enclosed is a copy of the following documents stamped by the Clerk of Court (list all the documents here:)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is (check one box):

- ☐ A check or money order in the amount of \$ _____ for the cost of the publication as requested.
- ☐ A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at _____ to tell me when the first publication will occur. When all four weeks of publication have been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

Sign your name

Enclosures:

- ☐ Court documents AND
- ☐ Check or Money Order OR
- ☐ Certified copy of Court Order of Waiver/Deferral of Publication Fees

Name of Person Filing Document: _____

Your Address: _____

Your City, State, Zip code: _____

Your Telephone Number: _____

ATLAS Number (if applicable): _____

Attorney Bar Number (if applicable): _____

Representing ☐ Self (Without a Lawyer) OR Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of

Case Number: _____

Name of Petitioner/Plaintiff

AFFIDAVIT SUPPORTING PUBLICATION

A.R.C.P. 4.1, 4.2, A.R.F.L.P. 41, 42

Name of Respondent/Defendant

UNDER PENALTY OF PERJURY I make this Affidavit to tell the Court why service by publication was necessary, and to show how service by publication was done.

1. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1 and 4.2, and Arizona Rules of Family Law Procedure, Rules 41 and 42, service by publication is the best way to notify the other party of this court case because the other party is:

☐ **Avoiding service of process. I have mailed, postage prepaid, a copy of the following legal documents to the last known address of the other party on or before the first date of Publication:** (List title/name of each document.)

OR

☐ **The other party's residence is unknown. I have not mailed copies of the court papers to the other party.**

2. **The residence and location of the other party is unknown to me. I have made every reasonable effort to find the other party but despite a diligent search have been unable to find his or her address or location and to have the court papers personally served.**

(Explain below everything you did to try to find the other party. (Check all that apply and supply details where indicated. This list is not all inclusive. There may be other options available to you as well. **If the Court is *not* satisfied** that you have made **every** reasonable effort to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again as well.)

I took the following actions to try to locate the other party: (Check all that apply. Supply details.)

☐ **Checked the county jail in Maricopa County and/or this county:** _____

☐ **Checked the prisons (Dept. of Corrections) in Arizona and/or this state:** _____

Case No. _____

- ☐ Checked phone directories ☐ Checked court records at: _____
- ☐ Contacted Post Office for forwarding address information
- ☐ Checked obituary notices at: (List newspapers checked) _____
- ☐ Searched the Internet at: (Check all that apply. List others.) ☐ Facebook ☐ MySpace
☐ Windows Live (Live.com) ☐ LinkedIn.com ☐ Spokeo.com ☐ Friendster.com
- Searched other sites listed here: _____

- ☐ Contacted the persons listed below to try to get information about the location of the other party so that the court papers could be personally served on him or her.

- Name: _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Other Party: _____
Examples: friend, ex-wife, parent, brother, roommate, co-worker, employer)
- Name: _____
Address: _____
How I contacted this person: _____
Relationship to Other Party: _____
- Name: _____
Address: _____
How I contacted this person: _____
Relationship to Other Party: _____
- Name: _____
Address: _____
How I contacted this person: _____
Relationship to Other Party: _____
- Name: _____
Address: _____
How I contacted this person: _____
Relationship to Other Party: _____

3. ☐ To the best of my knowledge, information, and belief, the other party is not in the military service of the United States.

The following documents were published in a newspaper in the county where my case is pending.
(List title/name of each document. Example: Petition, Summons)

4.

The documents above were published on the following dates:

A. ____ / ____ / ____, B. ____ / ____ / ____, C. ____ / ____ / ____, D. ____ / ____ / ____.

AND/OR

The following documents were published in a newspaper in the Arizona county of the other party's last known address, or in an adjoining county if no newspaper is published in that county, and neither is the county in which my case is pending.

A. ____ / ____ / ____, B. ____ / ____ / ____, C. ____ / ____ / ____, D. ____ / ____ / ____.

5. A copy of the notice published and the "*Affidavit of Publication*" (supplied by the newspaper after publication is complete) is attached. (REQUIRED)
6. By signing below, I state to the Court that I have read this document and that the information provided is true and correct, under penalty of perjury.

Date

Signature

Sworn to / Affirmed this: _____ by _____
(Date)

Printed Name

My Commission Expires,
or Seal (below) _____

Deputy Clerk or Notary Public

INSTRUCTION:

ATTACH the original “*Affidavit of Publication*” from the newspaper(s) to this page.